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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,749	07/27/2001	Roger C. Williams	BIW - EC	9082

7590 01/29/2003

Risto A. Rinne, Jr.  
Suite A  
2169 East Francisco Blvd.  
San Rafael, CA 94901

EXAMINER

NGUYEN, TRUC T

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/916,749

Applicant(s)

WILLIAMS, ROGER C.

Examiner

Truc T. T. Nguyen

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant has never disclose “a secant across the inner arc is disposed on a same side of one of the tines as is the pin” in the original application. The examiner requests the applicant to show where is the claimed feature on the drawing and specification. The examiner was not able to construct the claimed invention for examination.

Claims 2-11 will be examined without giving the new limitation any further consideration.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 2-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Knapp et al (US 4,734,064).

Regarding claim 2, Knapp disclose an electrical contact (12) comprises:

a plurality of tines (18) providing an inner arc (end of tip 22) includes a radius that is less than the radius of the pin (10).

Regarding claim 3, Knapp disclose at each of the tines is provided with a first stage proximate to base that includes a first inner diameter (defined by section 22, see Figure 3), and a second stage includes a second inner diameter (defined by section 24, see Figure 4) greater than the first inner diameter.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp et al (US 4,734,064).

Regarding claim 4, Knapp substantially disclose the claimed invention except that the tines formed of a high yield strength of metal.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a high yield strength metal into the tines, since it has been held that to be within the general skill of a worker in the art to select a known material on the basis of

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its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claims 7-9, modified contact of Knapp disclose the tine includes an inside arc (end of tip 22) that has a radius that is less than the radius of the pin (10), wherein the tines extend radially away from a center when the pin is inserted therethrough.

Regarding claim 10, modified contact of Knapp disclose the tines includes a first outside diameter that is proximate a tip (22) and a second outside diameter disposed at a distal end (24) that is greater than the first outside diameter, wherein the tines includes a progressive increase in the outside diameter from the tip to the distal end.

Regarding claim 11, modified contact of Knapp disclose a hood (34) and a gap (32) exist intermediate of tines and inside diameter of the hood is substantially identical along the longitudinal length of the tines when the pin (10) is mated inside the socket.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp et al (US 4,734,064) in view of Kerek (6,250,974 B1)

Regarding claim 5, modified contact of Knapp substantially disclose the claimed invention except the first stage having a wall thickness that is thicker than a wall thickness of a second stage.

Kerek teaches a contact (20) having plurality of tines (24), and each of tines having a first stage section (close to distal end approximate to opening 16) with a first wall thickness, and a second a second stage section (opposite to first stage section, close to section 22) with a second wall thickness, wherein the second wall thickness is thicker than the first wall thickness.

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Regarding claim 6, modified contact of Knapp disclose each of said tines of said second stage includes a reverse taper includes progressively smaller inside diameters as the second stage progresses toward the tip.

[whereby said tines includes a first inside diameter at said wall thickness that is greater than the inside diameter of said first stage,] will not have any patentable weight. Because, it has been held that the functional “whereby” statement does not define any structure and accordingly can not serve to distinguish. *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957).

### ***Response to Arguments***

7. Applicant's arguments filed 11/26/2002 have been fully considered but they are not persuasive. Because the newly added limitation were not considered, therefore the original claimed invention does not over come the cited references.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. T. Nguyen whose telephone number is 703-306-4004. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

T. Nguyen  
January 24, 2003



**THO D. TA**  
**PRIMARY EXAMINER**